

Message Text

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PAGE 01 GUATEM 05722 160038Z

73

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 JUSE-00 /011 W

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P 160025Z OCT 75

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC PRIORITY 8574

LIMITED OFFICIAL USE GUATEMALA 5722

EO 11652: NA

TAGS: SNAR, GT

SUBJ: EXTRADITION REQUEST: MANUEL SALAS SAENZ

REF: STATE 244789

1. GIVEN URGENCY OF MATTER, EMBASSY IS FORWARDING
NOTE TO FOREIGN MINISTRY REQUESTING PROVISIONAL
ARREST FOR EXTRADITION OF MANUEL SALAS SAENZ
(REFTEL) TO FACE CHARGE OF "CONSPIRACY TO IMPORT
COCAINE INTO THE US." HOWEVER, UPON REVIEWING
EXTRADITION TREATIES BETWEEN GUATEMALA AND THE
US, WE OFFER THE FOL OBSERVATIONS.

2. ART 1 OF THE 1940 SUPPLEMENT TO THE ORIGINAL
1903 EXTRADITION TREATY ADDED THE FOLLOWING CLAUSE
AS GROUNDS FOR EXTRADITION:

"23. VIOLATION OF THE LAWS PROHIBITING OR
REGULATING THE TRAFFIC IN NARCOTICS,
WHEN THE PENALTY TO WHICH VIOLATORS ARE
LIABLE IS ONE YEAR'S IMPRISONMENT OR MORE".

3. THE 1940 SUPPLEMENTARY TREATY ALSO PROVIDED THAT
EXTRADITION WOULD BE GRANTED FOR "ATTEMPT" OR FOR
"PARTICIPATION IN SUCH CRIMES OR OFFENSES AS AN
ACCESSORY BEFORE OR AFTER THE FACT..." CONSPIRACY,
HOWEVER, IS GENERALLY CONSIDERED TO BE A SEPARATE
OFFENSE FROM "ATTEMPT" OR "ACCESSORY."

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4. OUR READING OF THE 1940 TREATY LEADS US TO CON-
CLUE THAT IT DOES NOT MAKE THE CRIME OF CONSPIRACY
EXTRADITABLE AS SUCH. IN ORDER FOR MANUEL SALAS
SAENZ TO BE EXTRADITED, THEREFORE, THE CLAUSE
"PROHIBITING OR REGULATING THE TRAFFIC IN NARCOTICS"
WILL HAVE TO BE READ BROADLY TO INCLUDE THE CRIME
OF CONSPIRACY, OR THE INDICTMENT WILL HAVE TO BE
MODIFIED TO BRING IT INTO LINE WITH OFFENSE WHICH
THE TREATIES DEFINE AS EXTRADITABLE.
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Message Attributes

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To: STATE
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